

# **SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**

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## **Resolution No. 07-07 Adoption of Bay Plan Amendment No. 3-06 Deletion and Addition of Port Priority Use Area Designation at the former Oakland Army Base in the Seaport Plan and Bay Plan**

**Whereas**, Government Code Section 66652 states that “the Commission at any time may amend, repeal and adopt a new form of, all or part of the San Francisco Bay Plan” and that “such changes shall be consistent with findings and declarations of policy” contained in the McAteer-Petris Act; and

**Whereas**, the Commission received and filed an application from the Oakland Redevelopment Agency to amend the *San Francisco Bay Plan* (Bay Plan) and the *San Francisco Bay Area Seaport Plan* (Seaport Plan) maps that would relocate port priority use area designation of 15 acres on the former Oakland Army Base in Oakland, Alameda County; and

**Whereas**, the San Francisco Bay Conservation and Development Commission: (1) on December 7, 2006, approved a Descriptive Notice of the proposed Bay Plan amendment and set a public hearing date for January 18, 2007; (2) on December 8, 2006, distributed the Descriptive Notice and notice of the public hearing to all agencies, organizations, and individuals interested in the proposed amendment; (3) on December 15, 2006, distributed to all agencies, organizations, and individuals interested in the proposed amendment the staff report and preliminary recommendation; (4) on January 18, 2007, held a public hearing to receive public comments on the proposed amendment and preliminary recommendation and closed the hearing at the conclusion of the public’s comments; (5) on January 18, 2007 voted on the staff’s final recommendation that did not change from the preliminary recommendation; all in accord with the requirements and procedures set out in Government Code Section 66652 and the California Code of Regulations, Sections 11000, 11001, 11002, and 11003; and

**Whereas**, the Commission has considered all written comments received and oral comments presented at the January 18, 2007 public hearing and the staff has responded to those comments; and

**Whereas**, the amendment is consistent with the findings and declarations of policy contained in Section 66602 of the McAteer-Petris Act in that the Commission determined in approving Bay Plan Amendment No. 4-00 that the Oakland Base Reuse Authority (Reuse Authority) should identify 15 acres of land for ancillary maritime support for port-related trucking, at the time of the amendment public hearing process the Reuse Authority was studying three possible 15-acre parcels for maritime ancillary uses as part of the development of the Oakland Army Base Final Reuse Plan, the Commission and the Reuse Authority agreed to identify the Baldwin Property for these purposes in Resolution No. 00-10 but that if, upon completion of the Final Reuse Plan, the Reuse Authority determined that one of the alternative sites is more appropriate for port-related ancillary maritime uses, it could apply to the Commission to make this substitution, and this amendment, which would delete port priority use area designation from the Baldwin Property and add it to a portion of the East Gate Yard contiguous with existing port priority use area, would maintain 15 acres of land designated for port ancillary uses for port-related trucking as identified by Resolution No. 00-10 and therefore reduce the future need to fill the Bay to create new sites for these uses; and

**Whereas**, relocation of the 15-acre port priority use area designation for ancillary maritime support for port-related trucking would not detract from the regional capability to meet the Seaport Plan projected Bay Area and Port of Oakland cargo forecast because the land designated for port-related trucking is not used in the calculation of the Port of Oakland's container cargo throughput; and

**Whereas**, the San Francisco Bay Conservation and Development Commission has evaluated the environmental impact of amending the *San Francisco Bay Plan* and the *San Francisco Bay Area Seaport Plan* by deleting port priority use designation from the Baldwin property, a 15-acre parcel that is bounded by Engineer Road to the north, and West Grand Avenue and Wake Avenue to the south, and relocate this designation to 15 acres of land closer to the Port of Oakland's marine terminals in the East Gate Yard of the former Oakland Army Base bounded by the existing Oakland port priority use area to the south, and to the north by Maritime Street and a line extending perpendicularly from Maritime Street to the point where West 21<sup>st</sup> Street intersects the existing port priority use area boundary under the Commission's functional equivalency regulations authorized by Public Resources Code Section 21080.5, and finds that there will be no significant adverse impacts on the environment brought about by the amendment; and

**Whereas**, the amendments to the *San Francisco Bay Plan* Maps 4 and 5, and *San Francisco Bay Area Seaport Plan* Figure 4 enacted by this resolution are intended to be a routine program change of the Commission's coastal management program for the San Francisco Bay segment of the California coastal zone as approved by the U.S. Department of Commerce under the federal Coastal Zone Management Act of 1972, as amended.

**Now, Therefore, Be It Resolved That**, the San Francisco Bay Conservation and Development Commission hereby adopts Bay Plan Amendment No. 3-06 which:

1. Amends *San Francisco Bay Plan* Plan Map 4 and Plan Map 5, and the *San Francisco Bay Area Seaport Plan* Figure 4: Port of Oakland Port Priority Use Area, by the Baldwin property, a 15-acre parcel that is bounded by Engineer Road to the north, and West Grand Avenue and Wake Avenue to the south, and relocate this designation to 15 acres of land closer to the Port of Oakland's marine terminals in the East Gate Yard of the former Oakland Army Base bounded by Maritime Street and West 21<sup>st</sup> Street to the north and the existing Oakland port priority use area to the south as shown on Figure 1, Area Deleted from and Added to the Oakland Port Priority Use Area.

2. Amends Resolution No. 16 that sets the Priority Use Area Designations and Boundary Descriptions as follows with the strikethrough language deleted from and the underlined language added to the boundary description:

**Bay Plan**

Resolution No. 16

52. *Oakland (Port) (Amended by Bay Plan Amendment No. 5-82 and 4-00)*

(A) West Boundary: A line perpendicular to the shoreline extended from the intersection of Bataan Avenue and Burma Road to the shoreline parallel to Wake Avenue ~~from its intersection with Grand Avenue extended east to Wood Avenue.~~

3. Amends the *San Francisco Bay Area Seaport Plan* Priority Use Boundaries as follows with the strikethrough language deleted from and the underlined language added to the boundary description:

**Seaport Plan**

Oakland

*North Boundary:* Wake Avenue from the east side of its intersection with Engineer Road ~~West Grand Avenue easterly~~ and extended to the east side of the Interstate 880 right-of-way; hence north along the east side of the Interstate 880 right-of-way to Surryhne Street; hence easterly along Surryhne Street to Wood Street.

**Be it Further Resolved That**, the San Francisco Bay Conservation and Development Commission authorizes the Executive Director to make minor, non-substantive editorial changes to this Resolution, in particular to comply with the determinations of the Office of Administrative Law in its review of the Resolution under the California Administrative Procedures Act.

We certify that this resolution was adopted by a vote of \_\_ “yes” votes, \_\_ “no” votes and one abstention at the Commission meeting held January 18, 2007 at Oakland, California.

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2007 at San Francisco, California

\_\_\_\_\_  
R. SEAN RANDOLPH  
Chairman

Executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2007 at San Francisco, California

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WILL TRAVIS  
Executive Director